

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 13th day of August at 8:00 P.M., and there were

PRESENT: MARK AQUINO, MEMBER
 JAMES PERRY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 JEFFREY SIMME, CODE ENFORCEMENT OFFICER
 NICHOLAS LOCICERO, TOWN PROSECUTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF DANIEL & CAROL GLOWICKI

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daniel and Carol Glowicki, 764 Ransom Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a detached garage on premises owned by the petitioners at 764 Ransom Road, Lancaster, New York; to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9C.(3)(a) and Section 17A.(3) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Ransom Road with an exterior side yard [considered a front yard equivalent] fronting on Westwood Road. The location of the proposed garage will result in a fifty (50) foot set back from Ransom Road.

Chapter 50, Zoning, Section 9C.(3)(a) and Section 17A.(3) of the Code of the Town of Lancaster require a sixty (60) foot set back from Ransom Road. The petitioners, therefore, request a ten (10) foot set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Daniel Glowicki, petitioner

Proponent

IN THE MATTER OF THE PETITION OF DANIEL & CAROL GLOWICKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel and Carol Glowicki and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of August 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within an Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning commented on the proposed zoning action as follows:

"No recommendation; proposed action has been received and determined to be of local concern."

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought. The structure will be constructed in line with the residence.

That no detriment to nearby properties will be created by the granting of the area variance relief sought. It is noted that the trees to the west of the property will serve as a buffer to the neighbor.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

August 13, 2009

PETITION OF RICHARD & MARYANN THOMPSON:

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Richard and MaryAnn Thompson, 6151 Genesee Street, Lancaster, New York 14086 for two variances for the purpose of constructing a single family dwelling on property owned by the petitioners at 18 Katherine Street, Lancaster, New York 14086, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 11C.(4)(b)[1] of the Code of the Town of Lancaster. The placement of the proposed dwelling would result in a south side yard lot line set back of 5 feet.

Chapter 50, Zoning, Section 11C.(4)(b)[1] of the Code of the Town of Lancaster requires a minimum 8.9 foot south side yard lot line set back. The petitioners, therefore, request a variance of 3.9 feet.

- B. A variance from the requirements of Chapter 50, Zoning, Section 11C.(4)(b)[1] of the Code of the Town of Lancaster. The placement of the proposed dwelling would result in a combined width of both side yards of 15.77 feet.

Chapter 50, Zoning, Section 11C.(4)(b)[1] of the Code of the Town of Lancaster requires a combined width of both side yards to be a minimum of 22.25 feet. The petitioners, therefore, request a variance of 6.48 feet.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Richard Thompson, petitioner

Proponent

Karen Heckel

Questions/drainage concerns

IN THE MATTER OF THE PETITION OF RICHARD & MARYANN THOMPSON

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. SCHWAN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Richard and MaryAnn Thompson and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of August 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 2, (R-2) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested the petitioner move the proposed residence to a point eight point nine [8.9] feet inside the north property line and six point eight seven [6.87] feet inside the south property line.

WHEREAS, the petitioners have agreed to the aforementioned request of the Zoning Board of Appeals of the Town of Lancaster.

WHEREAS, the relocation of the proposed residence requires a lesser variance than that which was originally requested, namely a two point zero three [2.03] foot south side yard variance.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought. It is noted that most lots in this neighborhood are sixty feet wide as compared to the subject lot which is ninety feet wide.

That no detriment to nearby properties will be created by the granting of the area variance relief sought; the Code Enforcement Officer will monitor drainage of the property and will insure that there is a swale on the subject property.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought. It is noted that the petitioner would incur a large expense to redesign the house.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The house will be constructed eight point nine [8.9] feet inside the north property line and six point eight seven [6.87] feet inside the south property line.
- The south side garage wall shall be constructed with fire rated dry wall in accordance with the direction of the Code Enforcement Officer.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

August 13, 2009

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:04 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
August 13, 2009